

**Amendment No. 1 to SB1652**

**Person  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1652**

**House Bill No. 1375\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 26-2-221, is amended by deleting the section in its entirety and by substituting instead the following:

Garnishment of salaries, wages or other compensation due from the state, or from any county or municipality, to any officer or employee thereof, is permissible. Garnishment of compensation due from the state to contractors or vendors of the state is also permissible. No such officer, employee, contractor, or vendor may validly claim any privilege or immunity in that regard. Such officer, employee, contractor, or vendor shall be entitled to an exemption of the amount of wages, salary, or compensation so due as is exempt from levy or garnishment in favor of officers, employees, contractors, or vendors of private corporations in like circumstances. Notwithstanding any other provision of law to the contrary, the provisions of this section shall not be construed to apply to or to allow garnishment of state compensation to a contractor or vendor of the state if the state determines that payment of such garnishment would result in an interruption of essential state services.

SECTION 2. Tennessee Code Annotated, Section 26-2-222, is amended by deleting the section in its entirety and by substituting instead the following:

(a) In case of garnishment of officers, employees, contractors, or vendors of the state, garnishment notice may issue from any court or any court of record and shall be served upon the commissioner of the department in which such officer, employee, contractor, or vendor shall be engaged, or with which he or

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she is connected. The date of service shall be the date upon which service upon the commissioner is accomplished. If such garnishment is not served as set forth above, then such service shall be considered ineffective and the state shall not be liable for any sums due thereunder. Such commissioner, or his or her designee, is directed to make answer to such garnishment notice or summons, stating the compensation, if any, due any state officer, employee, contractor, or vendor so garnisheed. Notwithstanding any provision of law to the contrary, the state shall have thirty-one (31) days to submit such answer to the court. Such commissioner is directed to withhold any amounts then due the state officer, employee, contractor, or vendor up to and including the amount of the judgment and costs on which the garnishment proceedings were predicated, until the garnishment is released by the issuing court or such funds are paid into that court, as provided by law, and is directed to pay to such officer, employee, contractor, or vendor any amount or sum which may be due such officer, employee, contractor, or vendor above the amount of such judgment and costs, or if applicable, above the amount of each periodic payment made from successive pay periods. In addition to the amount of the disposable earnings subject to garnishment, the state Department of Finance and Administration shall be entitled to retain an administrative fee of five dollars (\$5.00) from amounts due the judgment debtor for each payment made to the court. The time at which the garnishment lien attaches to the amounts due the state officer, employee,

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contractor, or vendor shall be seven (7) business days from the date of service of the garnishment.

(b) If the commissioner of the department in which the officer, employee, contractor, or vendor is engaged or with which he or she is connected, or the commissioner's duly authorized agent or attorney, fails to appear and answer such garnishment, then it shall be presumed that the state is indebted to the officer, employee, contractor, or vendor to the full amount of the judgment creditor's demand, and thereupon a conditional judgment may be entered against the state for the full judgment amount.

(c) After the entry of such conditional judgment a scire facias shall issue to the commissioner of the department in which the garnisheed officer, employee, contractor, or vendor is engaged or with which he or she is connected, returnable to the next term of the court or to a day and place fixed by the court, to show cause why final judgment should not be entered against the state.

(d) Upon the return of such scire facias, fully served upon the commissioner of the department in which the garnisheed officer, employee, contractor, or vendor is engaged or with which he or she is connected, and upon the failure of the state to appear and show cause, the conditional judgment against the state shall be made final. In such event, the commissioner is directed to pay any such judgment and deduct the amount thereof from wages, salaries, or other compensation owing to such officer, employee, contractor, or vendor garnisheed under this part. Notwithstanding the foregoing, in any case in which

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judgment is obtained under the provisions of this section, if there is no compensation due such officer, employee, contractor, or vendor so garnisheed during the period such garnishment was effective, then such judgment against the state shall be void and unenforceable.

(e) Any process required to be served under this section may be served, pursuant to the Rules of Civil Procedure, by a private process server.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.